THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 14th **day of** December 2002

Criminal Misc. Bail Application No. 1298 of 2002

Order on the Bail Application

CRIMINAL SIDE

Pinky s/o Rodha,
R/o Village Pratap Pur,
Police Station-Laksar,
Distt. Haridwar. ……..... Applicant

Vs.

State of Uttaranchal. …… Opp. Party.

Arising out of Case crime no. 188 of 2002,
Under sections: 363,366 and 376 of I.P.C.,
P.S.Laksar: Laksar
District : Hardwar

Hon'ble A.A. Desai, C.J.

Heard Sri Rajendra Singh, learned counsel for the applicant and the learned A.G.A.

The applicant is a labourer facing prosecution under sections 363, 366 and 376 of IPC. According to learned counsel for the applicant, the prosecutrix is married with the applicant and she was a consenting party. As such there is no offence.

At this stage, I do not propose to enter into merit of the contention. However, as reported the investigation is complete and the charge-sheet has been filed. There is no likelihood of tampering of the witnesses. Hence I direct that the applicant be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of ACJM, Roorkee District Hardwar.

(A.A. Desai, C.J.)

14.12.02
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